

# **EXHIBIT 4**



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Policy Category	Students & Learners
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## Learner Mistreatment Policy

### Type

**Academic (relates to academic affairs generally, faculty and/or student affairs)**

### I. Rationale

- A. In accordance with relevant BCM accreditation standards (see [Section X, below](#)), BCM promotes a culture of respect between teacher and learner and works to ensure that the learning environment is free from conduct by faculty, staff, supervising residents, or others that could be reasonably interpreted by Learners as Mistreatment or other misconduct prohibited by BCM policies.
- B. The purposes of this policy are to clearly describe:
  - i. Expectations for appropriate treatment of Learners;
  - ii. Mechanisms for Learners to report alleged Mistreatment by an Employee, Community Member, or other Learner;
  - iii. Obligations of BCM to respond to allegations of Learner Mistreatment and implement procedures for investigating and resolving potential violations of this Policy;
  - iv. Potential penalties for noncompliant BCM Employees, Learners, or other Community Members; and
  - v. Procedures for periodic evaluation of the learning environment.

### II. Stakeholders Affected by this Policy

Compliance with this Policy is mandatory for all BCM Community Members, Employees, and Learners.

### III. Definitions

- (a) **BCM Community Members** refers to all current BCM patients, officers and board members, volunteers, and guests.
- (b) **BCM Employees** refers to faculty, staff (e.g., course directors, clerkship directors, or attending physicians), residents, clinical fellows, and contractors who receive employment compensation from BCM.
- (c) **BCM Learners** refers to students currently enrolled in any BCM school and degree-granting program, as well as postdoctoral and pre-doctoral trainees who are invited to complete time-limited learning experiences that are administered by designated BCM departments (e.g., psychology or social work) and who do not require enrollment.
- (d) **Mistreatment** refers to behavior that demonstrates disrespect for a Learner and that creates a condition, circumstance, or environment that unreasonably interferes with the learning process. Mistreatment may be verbal, emotional, or physical in nature. Examples of Mistreatment include offensive names, insults, or slurs (e.g., Harassment); public or private embarrassment or humiliation (e.g., verbal attack or denigrating a chosen career path); threats of physical harm; physical harm (e.g., a slap); obligation to perform personal services (e.g., child care or shopping); willful neglect of Learner's communications; omission of Learner from academic or professional communications; disregard for the physical safety of Learner; exclusion from ordinary

opportunities for training or rewards that is unreasonable given Learner's performance or merit (e.g., Discrimination); denial of fair evaluation or grading (e.g., assigning grades lower than the performance could justify) based on characteristics of the Learner that are unrelated to merit (e.g., race, color, gender, sexual orientation); Retaliation; Sexual Misconduct; or Other Prohibited Conduct.

- (e) This Policy adopts definitions provided in BCM's [Policy Regarding Harassment, Discrimination, and Retaliation \(02.2.25\)](#) for the following terms, with minor modification:
  - i. **Discrimination**;
  - ii. **Harassment**; and
  - iii. **Retaliation**.
- (f) This Policy adopts the following definitions provided in BCM's [Sexual Misconduct and Other Prohibited Conduct Policy \(02.2.26\)](#):
  - i. **Sexual Misconduct** (Non-consensual sexual contact or attempted contact), and.
  - ii. **Prohibited Conduct** (Dating Violence, Domestic Violence, Sexual Assault, Sexual Exploitation, Sexual Harassment, Sexual Misconduct, and Stalking, as defined by 02.2.26).

#### IV. Policy

##### A. Mistreatment: Expectations of BCM Community Members, Employees, and Learners

- i. **Mistreatment.** Mistreatment of Learners is prohibited. Consistent with the BCM Code of Conduct (31.1.01) and Policy Regarding Harassment, Discrimination and Retaliation (02.2.25), BCM generally prohibits verbal Mistreatment (i.e., use of language that is rude, disrespectful, or demeaning), as well as physical and emotional Mistreatment (i.e., behavior that is threatening or disruptive to the learning environment). Other existing BCM policies explicitly describe and prohibit various types of physical and emotional Mistreatment.
  - a. BCM Community Members, Employees, and Learners must adhere to applicable conduct standards described in this and other BCM policies as well as in relevant BCM handbooks (see [Section IX, below](#)). Discipline may result for specific policy violations, as provided below (see [Section IV.D](#)).
  - b. Because Mistreatment is defined broadly, alleged behavior constituting Mistreatment could result in simultaneous violation of not only this policy but other BCM policies as well. If the alleged Mistreatment is prohibited by another BCM policy, i.e., any institutional policy that explicitly describes and prohibits one or more specific types of Mistreatment defined by this Policy and provides procedures for resolution, that policy will take precedence for purposes of investigation, adjudication, and prescription of appeal or grievance procedures, as appropriate (see [Section IV.C, below](#)).
  - c. Although an individual's conduct may not violate a specific provision of this Policy or related institutional or school-level conduct policies (see [Section IX, below](#)), if a reasonable person would conclude that the individual's conduct is inconsistent with BCM values or other applicable conduct standards, then that individual may be subject to disciplinary action if warranted under the totality of the circumstances.

##### B. Options for Reporting Learner Mistreatment

- i. **Informal Reporting Mechanisms.**
  - a. *Office of the Ombudsman.* Learners seeking an informal and confidential discussion of an alleged violation of this Policy may consult the BCM Ombudsman. The Office of the Ombudsman is a confidential, neutral, independent and informal resource available to all BCM Community Members, Employees, and Learners. The office is available to provide confidential discussion of any BCM-related concerns, including alleged Mistreatment. The Office also offers confidential dispute resolution of interpersonal issues if all parties agree. If communications with the Ombudsman does not lead to



resolution of the issues, the Ombudsman may also provide information or advice about other reporting mechanisms to allow the Learner to pursue an alternate pathway.

1. Consistent with the independence and neutrality of the Ombudsman and the confidential, informal nature of the process, communication to the Ombudsman does not constitute notice to BCM, and the Ombudsman is not authorized to receive notice on behalf of BCM (see 32.1.01 - Office of the Ombudsman: Structure, Function, and Resources Policy).
  2. The Ombudsman will not notify the Learner's School Dean or Designee of any consultation, allegations or opinions discussed, or report the same through the Integrity Hotline. To preserve the legal privilege held by the Office of the Ombudsman, Learners may not make, share, create, reproduce, or disseminate any recordings of communications with the Office to any third party, or otherwise recreate the communications in writing.
- b. *Any School Official* (Learner's choice). Learners have the discretion to contact a school or program mentor, trusted faculty member, course director, or dean of their choice (e.g., dean of student affairs or School Dean) to initiate an informal discussion of an alleged violation of this Policy. The chosen individual will provide consultation about available school or program-based methods to resolve the issues underlying the complaint, and may recommend escalation of the matter through formal reporting mechanisms, depending on the nature or severity of the complaint, or if required by another BCM policy (see [Section IV.C. below](#)).
- ii. **Formal Reporting Mechanisms.**
- a. *Course Evaluation.* Learners who experience alleged Mistreatment in the educational setting (e.g., lab, clinic, or classroom), during a course, or during interactions with a particular Employee involved in a course (i.e., faculty or staff) may report the allegations through the course evaluation. This mechanism offers confidentiality, as only Course Directors and other course administrators (e.g., compliance managers) have access to course evaluations, and faculty members receive only aggregate data (e.g., quantified responses) without the respondents' names. Depending on the nature or severity of the allegation, Course Directors may contact the reporter or other Learners to collect additional information to investigate or resolve the matter. Course Directors may communicate with reporters and other Learners via email to provide notice of administrative activities or steps taken toward resolution. When appropriate, course directors will forward allegations that may result in a violation of this policy to the School Dean or Designee (e.g., department Chair).
  - b. *Integrity Hotline.* As described in the Student Appeals & Grievances Policy (23.1.08), Learners may report alleged violations of this Policy through the Integrity Hotline, either by calling the toll-free Hotline number (855-764-7292) or by accessing the Integrity Hotline website ([www.bcm.ethicspoint.com](http://www.bcm.ethicspoint.com)). This reporting mechanism allows Learners the option to pursue complaints and maintain anonymity during the investigation. Reports made through this mechanism constitute official notice to BCM. Reports will be investigated and resolved to the extent possible, with consideration given to the Learner's preferred outcome. For more information on resolution of formal grievances, consult the Student Appeals & Grievances Policy (23.1.08).

### **C. Investigation and Resolution of Alleged Mistreatment**

- i. **Generalized Mistreatment.** Consistent with the Student Appeals & Grievances Policy (23.1.08) and school handbooks, any alleged Mistreatment by or against Learners that may constitute a violation of this Policy and, if not explicitly defined, prohibited, or resolved by another existing BCM policy, will be reviewed by the appropriate School Dean or Designee (e.g., school or program promotions committee, or Program Director), and resolved according to the described procedure (see 23.1.08, Section VI.E). Learners

- may contest penalties for violations of this Policy by filing a grievance, as described in the Student Appeals & Grievances Policy (23.1.08).
- ii. Harassment, Discrimination, and Retaliation. Allegations of Learner Mistreatment that also qualify as Harassment, Discrimination, or Retaliation will be governed by the Policy Regarding Harassment, Discrimination and Retaliation (02.2.25), which provides that the School Dean or Designee will refer allegations to the Office of Human Resources for investigation. Upon completion of the investigation, the Office of Human Resources will issue findings and recommendations for consideration by the School Dean or Designee, who will modify, implement, or oversee implementation of these recommendations in accordance with other relevant BCM policies. Any challenges to the penalties must be made through the appropriate Grievance process.
  - iii. Sexual Misconduct and Other Prohibited Conduct. Allegations of Sexual Misconduct and Other Prohibited Conduct will be governed by the Sexual Misconduct and other Prohibited Conduct Policy (02.2.26), which requires that all allegations be forwarded to the Title IX Coordinator for investigation and adjudication. Any challenges to the penalties for violation must use the described appeal procedure. Penalties for violation will be enforced by the Title IX Coordinator and implemented in consultation with the School Dean or Designee.

#### D. Penalties for Noncompliance

- i. Learners. A finding of Mistreatment by or against another Learner may result in corrective action (e.g., warning) or adverse action (e.g., probation or dismissal), and the School Dean or Designee may implement any action that is reasonable under all of the circumstances.
- ii. Employees.
  - a. *Faculty & Staff*. Alleged Mistreatment against a Learner will be investigated to the extent possible by the School Dean or Designee, with assistance from the Office of Human Resources or Office of the General Counsel if necessary. If a violation is found, the matter will be referred to the faculty or staff member's supervisor for resolution. Consistent with the Professional and Respectful Work Environment Policy: Standards for Employee Conduct (02.5.39), the supervisor will determine whether the alleged behavior also constitutes a violation of the Professional and Respectful Work Environment Policy (02.5.39) after considering information, documentation, and recommendations (i.e., corrective or disciplinary action necessary to avoid future Learner Mistreatment) from the School Dean or Designee. If a violation is found, the supervisor will implement appropriate action as required by that policy.
    - 1. *Additional Considerations for Faculty Only*. Consistent with the Professionalism in Education Policy: Standards for Faculty (29.1.02), the School Dean or Designee may refer a finding of a Mistreatment violation that also constitutes educator misconduct to the Office of the Provost. The School Dean or Designee will determine the severity of alleged violations of this policy on a case-by-case basis. The Provost or designee will review the information, documentation, and recommendations from the School Dean or Designee, and oversee any additional investigation necessary for resolution of the matter, and may require direct supervisors (e.g., Department Chairs) to implement corrective or disciplinary action, i.e., actions necessary to avoid breaches of the school or program's teacher-Learner compact or BCM policy applicable to faculty conduct.
  - b. *Residents & Clinical Fellows*. Alleged Mistreatment of Learner will be referred to the Office of Graduate Medical Education (GME), which will collaborate with the involved clinical department's Program Director and clinical competency committee to investigate and resolve the matter which may result in adverse action to the resident/fellow as provided in the [GME Policy on Adverse Action: Definition and Principles \(27.6.1\)](#).



- iii. Community Members. Alleged Mistreatment of a Learner will be referred to the Office of the General Counsel, which will work with the Risk Management Department (i.e., patient involvement) to investigate and resolve allegations in a manner consistent with BCM's values and Community Members' expectations.

**E. Identifying and Responding to Trends in Learner Mistreatment**

- i. The Office of Compliance & Audit Services (OCAS) is responsible for conducting quarterly audits of the Integrity Hotline to gather data regarding alleged Learner Mistreatment at BCM, including grievances filed by and against Learners. After the fourth quarter, OCAS will forward the annual results to the Office of the Provost for review and analysis.
- ii. The Office of the Provost will identify and respond to trends in Learner Mistreatment through:
  - a. Reviewing and analyzing the results of annual Mistreatment audits, to identify trends and needs for institutional improvement specific to Learner or Employee populations;
  - b. Conducting a Learner Mistreatment Survey at least once per year, designed to capture Learner perception of alleged Discrimination, Harassment, Retaliation, and other Mistreatment by Employees and other Learners, and analyzing the results;
  - c. Assessing whether annual survey results indicate underreporting of Mistreatment, including consideration of the frequency of grievance reporting indicated by the annual OCAS audit;
  - d. Determining any dependencies or countervailing concerns affecting manifestation of trends, and formulate an action plan (or strategic plan, if appropriate) to decrease the frequency of prohibited or undesirable behaviors for targeted groups of Learners and/or Employees; and
  - e. Scheduling or facilitating at least one town hall or other event open to all Learners each academic year, with a summary of Mistreatment perceptions, trends, and describing institutional strategies or goals identified by the Office of the Provost in response.

## V. Responsibilities

- A. **Office of the School Dean or Designee**. Each School Dean or Designee is responsible for:
  - 1. Overseeing the investigation and resolution procedures for Grievances and Appeals related to their respective schools or programs, as described above;
  - 2. Ensuring that all Learners at the school, including visiting students from the U.S. and other countries, are aware of BCM policies related to Learner misconduct and mechanisms for reporting alleged Learner Mistreatment;
  - 3. Collaborating with other School Deans and the Office of the Provost to ensure routine review of this policy at least every two years and effectuating policy updates as necessary to comply with changes to applicable laws, regulations, and standards (see [Section X, below](#)).
- B. **Office of the Provost**. The Office of the Provost oversees the implementation and enforcement of this Policy. The Office is responsible for notifying School Deans, the Director of the Center for Professionalism, and other relevant administrative personnel of identified trends in Mistreatment, to facilitate awareness of cultural or other issues that may be specific to each school or program, and to highlight matters of broad institutional importance in need of remediation.
  - 1. *Informal notice*. This notice may be given and discussed informally through meetings of the Provost's Cabinet, which includes all School Deans, Associate Provosts, and other individuals responsible for implementing mission-driven curriculum and other educational aims. The Provost's Cabinet will be informed of the Mistreatment Survey results and grievance trends at least once each academic year.

2. *Formal notice.* Formal notice of Mistreatment trends specific to a school or program that require immediate attention will be delivered in writing (via email), and the School Dean or Designee must respond with a written plan to address the issues within 60 business days after the notice is sent.

C. **Other Institutional Offices and Departments.** Responsible personnel in other institutional offices and departments (e.g., employee supervisors or designated institutional administrators such as the Title IX Coordinator) must ensure clear communication with the School Dean or Designee to effectuate investigation, disposition, and adjudication of alleged Learner Mistreatment or implementation of penalties for noncompliance with this policy or related BCM policies.

## VI. Procedures for Implementation and Review

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Consult the Student Appeals & Grievances Policy (23.1.08) for detailed information on investigation and resolution of Learner Mistreatment complaints.

## VII. Stakeholder Compliance

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Consistent implementation and administration of this Policy is important to BCM's values and missions. To facilitate this consistency, BCM will provide and encourage awareness of reporting mechanisms for Learners concerned about inappropriate treatment under this Policy.

## VIII. Tools

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- [BCM Statement of Student Rights](#)

## IX. Related Policies

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- [23.1.08 – Student Appeals & Grievances Policy](#)
- [31.1.01 – Code of Conduct](#)
- [31.2.02 – Integrity Hotline Policy: Reporting Improper Activity or Wrongdoing](#)
- [32.1.01 – Office of the Ombudsman: Structure, Function, and Resources](#)
- [29.1.02 -- Professionalism in Education Policy: Standards for Faculty \(pending\)](#)

## X. Applicable Laws, Regulations & Standards

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### A. Institution & School Requirements

- [Accreditation Council of Graduate Medical Education \(ACGME\) Common Program Requirements](#)
- [Liaison Committee on Medical Education \(LCME\) Standards: Functions and Structure of a Medical School](#) (see Standard 3; Standard 3.6: Mistreatment)
- [Southern Association of Colleges and Schools Commission on Colleges \(SACSCOC\) Accreditation Standards](#)

### B. Program Requirements

- [Accreditation Review Commission on Education for the Physician Assistant, Inc. \(ARC-PA\)](#)
- [Council on Accreditation \(COA\) of Nurse Anesthesia Educational Programs](#)
- [American Society of Tropical Medicine and Hygiene \(ASTMH\)](#)
- [Commission on Accreditation of Allied Health Programs \(CAAHEP\)](#)
- [National Commission on Prosthetic and Orthotic Education \(NCOPE\)](#)
- [Accrediting Council for Continuing Medical Education \(ACCME\)](#)